

2015
HIGH COURT, APPELLATE SIDE,
CALCUTTA

No. 81 - R (JS)

Dated, Calcutta, the 9th January, 2015

*From : Debi Prosad Dey,
Registrar (Judicial Service),
High Court, Appellate Side,
Calcutta*

- To :
1. All the District Judges in West Bengal including A&N Islands.
 2. The Chief Judge, City Sessions Court, Calcutta.
 3. The Chief Judge, City Civil Court, Calcutta.
 4. The Chief Judge, Presidency Small Causes Court, Calcutta.
 5. The Judicial Secretary, Government of West Bengal.
 7. Member Secretary, S.L.S.A.
 8. The Director / Additional Director, West Bengal Judicial Academy.

Subject : Filling up one post of Member (Judicial) and one post of Member (Technical) in the Company Law Board.

Sir,

In uploading the circular, being No.A-12023/5/2014-Ad.IV., dated 23.12.2014, alongwith its enclosures as received from the Under Secretary to the Government of India, Ministry of Corporate Affairs, Government of India, on the above subject, in the Court's website, I am directed to request you to inform the eligible Judicial Officers under your control to visit the Court's website (www.calcuttahighcourt.nic.in) and to download the materials from the site and to send willingness, if any, alongwith the filled in application (in the prescribed proforma) together with requisite documents having the same duly been endorsed by you so as to reach the Hon'ble Court on or before 14.01.2015 positively, for further necessary action at this end.

The matter is time bound hence early and effective action is required to be taken at your end.

Enclo : As stated

Yours faithfully,


Registrar (Judicial Service)

No.A-12023/5/2014-Ad.IV
Government of India
Ministry of Corporate Affairs

'A' Wing, 5th floor, Shastri Bhawan,
New Delhi-110001
Dated: 23 December, 2014.

To

1. Registrars Generals of All High Courts.
2. Secretaries to Government of India, All Ministries/Departments of the Government of India
3. All Chief Secretaries to the State Government/Union Territories.
4. All RDs/ROCs/OLs and officers in headquarters of Ministry of Corporate Affairs.
5. Secretary, Company Law Board.
6. Registrar, Competition Appellate Tribunal(CAT).
7. Secretary, Institute of Chartered Accountants of India (CAI), I.P Estate, New Delhi-110002.
8. Secretary, Institute of Cost Accountants of India (ICoAI), Sudder Street, Kolkata.
9. Secretary, Institute of Company Secretaries of India (ICSI), Institutional Area, Lodhi Road, New Delhi-110003.
10. Secretary, CCI

Sub: Filling up one post of Member (Judicial) and one post of Member (Technical) in the Company Law Board- inviting applications for.

Sir,

I am directed to state that applications are invited in the format given in Annexure-I for the following posts of Member, Company Law Board in the pay scale of Rs.67000-Rs. 79000/- pm (annual increment @ 3%) plus allowances as admissible. :-

- (i) **Judicial Member-01 (one) post (Unreserved)**
- (ii) **Technical Member-01 (one) post (Unreserved)**

The selected candidates will be required to serve at CLB Benches at any of the four places viz. Delhi, Mumbai, Kolkata and Chennai depending on the requirement and would have no choice of station.

2. As per the Company Law Board (Qualifications, Experience and Other Conditions of Service of Members) Rules, 1993 as amended time to time, a person shall not be qualified for appointment as Judicial Member unless he/she:-


- (a) has, for at least ten years, held a Judicial Office in the territory of India; or
- (b) has, for at least ten years, been an Advocate of High Court, or has partly held judicial office and has been partly in practice as an Advocate for a total period of ten years; or
- (c) is, or has been, a Member of the Central Company Law Service (Legal Branch)/ Indian Company Law Service (Legal Branch) and is holding, or has held a post in Senior Administrative Grade in that service for at least three years; or
- (d) is, or has been, a Member of the Indian Legal Service and is holding, or has held a post in Grade-I of that service for at least three years.

3. A person shall not be qualified for appointment as Technical Member unless he/she:-

2d. Rego (35)
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- (a) is, or has been, a Member of the Central Company Law Service (Accounts Branch)/Indian Company Law Service (Accounts Branch) and is holding, or has held, a post in Senior Administrative Grade in that service for at least three years; or
- (b) is, or has been, a Joint Secretary to the Government of India under the Central Staffing Scheme or any other post under the Central Government carrying a scale of pay which is not less than that of Joint Secretary to the Government of India, for at least three years and has adequate knowledge and experience in dealing with the problems relating to Company Law; or
- (c) is, or has been, for at least fifteen years in practice as a Chartered Accountant under the Chartered Accountants Act, 1949 (38 of 1949); or
- (d) is, or has been, for at least fifteen years in practice as a Cost accountant under the Costs and Works Accountants Act, 1959 (23 of 1959); or
- (e) has, for at least fifteen years, working experience as a Secretary in whole time practice as defined in clause (45A) of section 2 of the Companies Act, 1956 (1 of 1956) and is a Member of the Institute of Company Secretaries of India constituted under the Company Secretaries Act, 1980 (56 of 1980).
4. A person shall not be eligible for appointment as Member unless he/she has completed the age of 45 (forty five years) as on the last date of receipt of application.
5. Every Member shall hold office till he/she attains the age of sixty-two years or till the constitution and operationalization of the National Company Law Tribunal (NCLT), whichever is earlier. Therefore, only those person shall apply, who are below the age of 62 years on the last date of receipt of application.
6. Person selected, if already in Government Service, will have to seek retirement before he/she is appointed as Member, Company Law Board.
7. The persons selected will have to be declared medically fit by a Medical Board to be constituted by the Central Government for the purpose, unless he/she has already been declared fit by the equivalent authority.
8. Applications of the persons already in Government Service should be forwarded through proper channel. The forwarding authorities should also certify the relevant details of the candidate in the format given in Annexure-II. The forwarding authorities should enclose the up-to-date Confidential Report Dossiers of the applicant for the last five years i.e. from 2009-10 to 2013-14.
9. Applications in the format given in Annexure-I duly completed should reach to Shri R. K. Pandey, Under Secretary, Ministry of Corporate Affairs, Room No. 526, 'A' Wing, 5th Floor, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi - 110001 by 16th January, 2015. The application may also be downloaded from the Ministry's website at www.mca.gov.in and Company Law Board's website at www.clb.gov.in

Yours faithfully,


23-12-14
(R. K. Pandey)

Under Secretary to the Govt. of India

(Copy to: E.GOV CELL for uploading this 6 page circular in MCA website and CLB website.)

ANNEXURE-I

FORMAT OF APPLICATION FOR THE POST OF MEMBER, COMPANY LAW BOARD

1.	Name in Full (IN BLOCK LETTERS)		Attested copy of passport size photograph to be pasted
2.	Post applied for: (a) Member (Judicial) (b) Member (Technical)		
3.	Date of Birth		
4.	Father's Name		
5.	Whether SC/ST/OBC (Attested copy of the relevant certificate to be attached)		
6.	i) Correspondence Address ii) Telephone No. - Res./Off./Mobile iii) Fax No. iii) Email Id (mandatory)		
7.	Permanent Address (Including Telephone/Fax Number)		
8.	Present occupation/Profession/Service		
9.	Professional income/emoluments for the last three years (give year-wise details)		
10.	Educational Qualifications in the reverse chronological order: (Attested copies of Degree/Diploma to be attached)		
	Name of University/ Equivalent Institution	Degree	Year of Passing
			Percentage of Marks Obtained
			Academic Distinction
			Subject/ Specialisation
11.	State whether the relevant eligibility criteria satisfied as specified in para 2 and para 3 of vacancy circular. Also mention the relevant para of eligibility.		

12.	Details of present and previous employment in reverse chronological order in format given below:				
Name and address of employer	Designation, scale of pay including present pay.	Whether regular/ deputation/ adhoc	Period of service		Nature of duty/ experience
			From	To	
13.	i) Details of professional career (As applicable)				
<u>Advocate:</u>	<ul style="list-style-type: none"> (a) Date of enrolment, (b) Actual number of years of practice (c) Places and/or the courts before whom practised and period, (d) Details of nature of practice- civil, criminal, constitutional, taxation, labour, company, service etc. (e) Particulars of important cases under the Companies Act, in which the applicant appeared as Counsel. (f) Field of specialisation, if any. 				
<u>Chartered Accountant/Company Secretary</u>	<ul style="list-style-type: none"> (a) Date of registration, (b) Actual number of years of practice (c) Places and/or the courts before whom practised and period. (d) Details of nature of practice. (e) Field of specialization, if any 				
(Attested/Self Attested copies of relevant supporting documents, along with those establishing eligibility, to be enclosed).					
14.	Any other special qualifications or experience or publication to the applicant's credit including experience in dealing with matters as specified in the qualifications. (Attach separate sheet, if required)				
15.	Period of notice required for joining the post				

16.	Names & Address of two referees in responsible positions (Not being relatives) in case of candidates not in Government Service	
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It is certified that the information furnished above is correct and true to the best of my knowledge. In the event of my selection I shall abide by the terms and conditions of services attached to the post as and when framed by the Government.

I understand that in terms of the Companies Act, 2013, the Company Law Board is to be replaced by a new body known as the National Company Law Tribunal and it does not provide for continuity of service of Members of the Company Law Board in the National Company Law Tribunal. I am submitting the application fully understanding that my tenure as a Member of the Company Law Board shall terminate with the constitution of National Company Law Tribunal i.e. (date of issue of first notification of appointment of Member(s) of NCLT) and that I shall have no claim to continuity of service under the new dispensation nor shall I have any claim to any compensation on this account.

Place:-

Date:-

(Signature)

Name: _____

Annexure II

(Certificate to be furnished by the Employer/Head of office/Forwarding authority)

Certified that the particulars furnished by ----- are correct and he/she possesses educational qualifications and experience mentioned in vacancy circular. It is also certified that:-

(i) There is no vigilance or disciplinary case pending/contemplated against Sh. /Smt. - -----.

(ii) His/her integrity is certified.

(iii) His/her CR/APAR dossiers in photocopies is enclosed for the last five years duly attested by an officer of the rank of Under Secretary to the Govt. of India or above, are enclosed.

(iv) "No major/minor penalty has been imposed on him/her during the last ten years." - -- or --- a list of major/minor penalties imposed on him/her last ten years is enclosed.

(v) That on his/her selection, the cadre controlling authority has no objection to his/her relieving from present post to enable join the selected post in CLB

Signature-----

Name and Designation-----

Tel. No.-----

Office Seal

Place :

Date:

List of enclosures:

- 1.
- 2.
- 3.
- 4.
- 5.

(Strike out which is not applicable)